

REGULAR MEETING MINUTES

HYDE COUNTY BOARD OF COMMISSIONERS MONDAY, NOVEMBER 4, 2019

Following opening prayer by Commissioner Swindell; and, Pledge of Allegiance, Chairman Pugh called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:00p.m., on Monday, November 4, 2019 in the Hyde County Government Center Multi-Use Room and the Ocracoke Community Center using electronic conferencing equipment.

The following members were present on the mainland: Chairman Earl Pugh, Jr.; Vice-Chair Tom Pahl; Commissioners Shannon Swindell and James Topping; County Manager Kris Cahoon Noble; Attorney Franz Holscher; Clerk to the Board Lois Stotesberry; IT Director Donnie Shumate; Finance Officer Corrinne Gibbs; and, members of the public. Commissioner Ben Simmons was absent.

Teresa Adams and members of the public were present on Ocracoke.

CONSIDERATION OF AGENDA:

Commissioner Swindell moved to approve the Monday, November 4, 2019 Regular Meeting Agenda as presented by the Clerk. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

CONSIDERATION OF MINUTES:

October 7, 2019 – Regular Meeting Minutes

Commissioner Swindell moved to approve the Monday, October 7, 2019 Regular Meeting Minutes as presented by the Clerk with correction made on page 3 line 12: Kelley Shinn, Ocracoke – discussed ~~statistics being collected~~ a proposal by Tiffany Rhodes to ~~be included in~~ film a fictional drama on Ocracoke; and, addition on page 4 line 4: He also received a petition with 168 signatures in opposition to the village being open to visitors. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

PRESENTATIONS:

TR-407 Daily Distribution Tax Report – October 2019

Tax Administrator Linda Basnight presented the October 2019 Daily Distribution Tax Report.

Commissioner Pahl presented citizen's concerns about incorrect addresses and zip codes on tax bills. Correct documentation of property ownership is required when applying for state assistance. Mr. Pahl recommended a more proactive solution than the Postal Service returning the bills to the county.

IT Director Donnie Shumate reported the error occurred during the transition to Farragut Tax Software and has since been corrected.

Commissioner Pahl moved to approve both TR-407 Report as presented by Ms. Basnight. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Albemarle Commission

Melody Wilkins, Executive Director, reported the Albemarle Commission is designed to provide continuous comprehensive assistance to the Region. The Commission establishes a framework for joint Federal, State and local efforts in a program of regional development through intergovernmental cooperation. Ms. Wilkins presented Albemarle Commission programs and Hyde County statistics.

Manager Noble thanked Ms. Wilkins for the Commission's support to Hyde County and the Senior Center meals program.

Trillium Health Resources

Lauren Swain, Director of Early Intervention, and Brian Fike presented Trillium Health Resources Back At Home NC (State disaster rehousing) where displaced citizens can apply for housing assistance. Qualifications are based on current income. For more information or to apply survivors of Hurricane Dorian can call 2-1-1 or go to <https://www.backathome.org/> for assistance.

Juvenile Jail Project

Kris Cahoon Noble, County Manager, reported she and Deputy Charlie Herina have been working on the project and will present update at the next regularly scheduled Board of Commissioners meeting.

NCACC Youth Voice Program

Lee Brimmage, 4-H Director, introduced Ms. Bianca Torres, a student at Mattamuskeet Early College High School. Bianca traveled to the North Carolina Association of County Commissioners Youth Voice Program on August 24-25 to meet with county commissioners from all across the state to learn about leadership and county operations. Chairman Earl Pugh, Jr. and County Manager Kris Cahoon Noble attended the conference. Chairman Pugh reported Bianca represented the county very well.

PUBLIC COMMENT:

Marissa Gross, Ocracoke – reported she is concerned about Ocracoke citizens' civil liberties and rights. She asks that commissioners set true and tangible goals for Ocracoke re-entry.

Kelley Shinn, Ocracoke – reported Ocracoke students sent letters to the NC Senate.

Steve Wilson, Ocracoke – requested Ocracoke Island be open immediately.

ITEMS OF CONSIDERATION:

Resolution to Ratify Board Action Related to Hurricane Dorian

Commissioner Pahl moved to adopt Hyde County State of Emergency Proclamation Amendment No. Eight Lifting the Curfew for Ocracoke – October 30, 2019; and, Resolution to Ratify Board Action Related to Hurricane Dorian. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Clerk's Note: A copy of "Hyde County State of Emergency Proclamation Amendment No. Eight Lifting the Curfew for Ocracoke – October 30, 2019" is attached herewith as Exhibit A and incorporated herein by reference.

Clerk's Note: A copy of "Resolution to Ratify Board Action Related to Hurricane Dorian" is attached herewith as Exhibit B and incorporated herein by reference.

Appointments

Selection of Complete Count Committee Members for The 2020 Census

Kris Cahoon Noble, County Manager, reported five members were appointed to serve on the Complete Count Committee (CCC) for the 2020 Census at the October Board meeting. The CCC also needs to consist of three members from each voting district. Commissioners will fill the vacant positions with members from their respective townships. The fifteen appointees will be recommended for Board approval at the next regularly scheduled Commissioners meeting.

Board of Health – Registered Nurse Designee

Luana Gibbs, Interim Health Director, reported the Board of Health met and discussed appointing Lauren Swindell Gibbs as the Registered Nurse designee to the Health Board at its September 17 meeting.

Commissioner Swindell moved to appoint Lauren Swindell Gibbs as the Registered Nurse designee to the Hyde County Health Board. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Board of Health – Member Appointee

Luana Gibbs, Interim Health Director, reported at the September 17 Board of Health meeting it was recommended Randy Hignite be re-appointed to serve a third three-year term on the Hyde County Board of Health.

Commissioner Swindell moved to re-appoint Randy Hignite to serve his third three-year term on the Hyde County Board of Health. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons

Board of Health – Commissioner Designee

Kris Cahoon Noble, County Manager, reported Commissioner Shannon Swindell will no longer serve on the Hyde County Health Board. She recommended Chairman Earl Pugh, Jr. be appointed as commissioner designee on the Health Board.

Commissioner Swindell moved to appoint Chairman Earl Pugh, Jr. to serve as Hyde County Board of Commissioners designee on the Hyde County Health Board. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl and Swindell; Nays – Topping; Absent or not voting – Simmons.

Designation of Applicant's Agent – Hyde County Disaster Number: 4465

Finance Officer Corrinne Gibbs reported the North Carolina Division of Emergency Management requires recipients of disaster grant funding to designate a primary and secondary agent authorized to represent the organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency (FEMA) for all matters pertaining to disaster assistance required by the grant agreement.

Commissioner Pahl moved to designate Corrinne Gibbs as Primary Agent and Justin Gibbs as Secondary Agent to represent Hyde County in all State and FEMA matters related to Disaster No. 4465 – Hurricane Dorian. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Clerk's Note: A copy of "Designation of Applicant's Agent – Hyde County Disaster Number 4465 – Hurricane Dorian" is attached herewith as Exhibit C and incorporated herein by reference.

Grant Contract Agreement Between Hyde County and North Carolina Clean Water Management Trust Fund

County Manager Kris Cahoon Noble reported on September 16, 2019 Hyde County was notified it had been awarded \$158,804.00 in grant funding by NC Clean Water Management Trust Fund. Hyde County is prepared to develop engineered plans for active water management of the Lake Mattamuskeet watershed to improve water quality within the lake and reduce flooding throughout the watershed using this grant. The design work is intended to be sufficient to secure permits for a future project. The project would complete a watershed-scale hydrologic and hydraulic (H&H) model and develop cost estimates and identify preferred engineering alternative identified upon the completion of this project.

Commissioner Swindell moved to authorize the County Manager to work with the County Attorney to review and execute the attached grant contract. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Personnel Policy Revisions

Tammy Blake, Human Resources Director, reported Article VII. Section 14 of the Hyde County Personnel Policy currently addresses the housing allowance for employees who work on Ocracoke Island. During budget meeting discussions, the Board of Commissioners approved increasing the housing allowance from \$6,000 to \$8,000 per year. Ms. Blake requests the policy be updated to reflect this change.

Commissioner Pahl moved to amend the housing allowance increase to \$8,000.00 in the Hyde County Personnel Policy. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Article VII. Section 14. Housing Allowance – Full-time employees who reside and work on Ocracoke Island shall receive a housing allowance of ~~six thousand (\$6,000)~~ eight-thousand (\$8,000) dollars per year paid monthly. Proof of residency is required by providing the Human Resources Office with a physical address.

Waterfowl Blind Committee Update

IT Director Donnie Shumate, reported the Waterfowl Blind Committee has been meeting monthly to work on a recommendation regarding new waterfowl blind regulations. Due to Hurricane Dorian, the committee has missed the past two meetings that were scheduled to finalize the recommendation. Mr. Shumate, the committee moderator, gave a brief overview of the committee's progress so far. He will present the committee's recommendations at the next regularly scheduled Board of Commissioners meeting.

BUDGET REVISIONS:

Health Department - BR 04-20 HepConnect \$71,163.00

Luana Gibbs, Interim Health Director, reported this budget revision represents funding received from a National Harm Reduction Coalition grant for the purpose of expanding prevention, education and treatment for Hepatitis C. This was a competitive grant in which Hyde County Health Department was one of only two health departments in North Carolina to obtain funding. Additional grantees come from other states scattered nationwide. Hyde County Health Department will use this funding to purchase a vehicle for use in its Substance Awareness Program for syringe exchange, as well as travel for syringe exchange and contracting of a peer support outreach worker. Funding does increase the overall County Budget but no local appropriations are needed.

Commissioner Swindell moved to approve the Health Department budget transfer as presented. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

MANAGEMENT REPORTS:

Chairman Pugh, Vice-chairman Pahl, Commissioners Topping and Swindell and County Manager Kris Cahoon Noble – presented report on their work representing the County and gave update on projects and activities attended

during the month. Members discussed post Hurricane Dorian recovery efforts throughout the County, NC Highway 12 repairs, NCDOT Ferry Division services and mosquito control.

Manager Noble informed the Board of Mrs. Carolyn B. O'Neal (Administrative Assistant Rosemary Johnson's mother) passing away and offered condolences to the family.

PUBLIC COMMENT:

Leslie Lanier, Ocracoke – reported businesses on the Island are ready to reopen. Ms. Lanier thanked the commissioners for considering a date to reopen.

Hearing no further comment from the public, Chairman Pugh continued the meeting.

After further discussion, Commissioner Pahl moved to conduct a Special Called Board of Commissioners Meeting on Monday, November 18, 2019 at 6:00p.m., in the Hyde County Government Center Multi-Use Room and the Ocracoke Community Center using electronic conferencing equipment. The purpose of this meeting is to consider re-opening Ocracoke Island to visitors. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

CLOSED SESSION:

Commissioner Pahl moved to enter into closed session in accordance with NCGS143A-318.11(a)(5) – To establish or instruct the public body's staff or agent in negotiating the price or terms of a contract for the acquisition of real property by purchase; ~~or compensation and terms of an employment contract.~~ Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Revised
12-02-19
JS

Commissioner Swindell moved to come out of closed session. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

ADJOURN:


Commissioner Swindell moved to adjourn the meeting. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

The meeting adjourned at 9:10p.m.

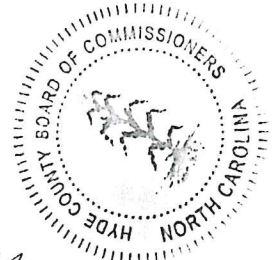
Respectfully submitted:

Minutes approved on the 2nd day of December, 2019.

Attest:


Lois Stotesberry, CMC, NCCCC
Clerk, Hyde County Board of Commissioners


Earl Pugh, Jr.
Chair, Hyde County Board of Commissioners



Attachments

Exhibit A: "Hyde County State of Emergency Proclamation Amendment No. Eight Lifting the Curfew for Ocracoke October 30, 2019"

Exhibit B: "Resolution to Ratify Board Action Related to Hurricane Dorian"

Exhibit C: "Designation of Applicant's Agent – Hyde County Disaster Number 4465 – Hurricane Dorian"



**BOARD OF COMMISSIONERS
OF THE COUNTY OF HYDE,
NORTH CAROLINA**

HYDE COUNTY STATE OF EMERGENCY PROCLAMATION

AMENDMENT NO. SIX

TERMINATION OF THE MANDATORY EVACUATION FOR NON-RESIDENT PROPERTY OWNERS

SEPTEMBER 10, 2019

HURRICANE DORIAN

WHEREAS, Pursuant to Hyde County Ordinances, Chapter 166A of the North Carolina General Statutes and Article 36A of Chapter 14 of the North Carolina General Statutes, I have determined that a State of Emergency continues in Hyde County; and,

WHEREAS, I formally proclaimed and established the existence of a State of Emergency in Hyde County effective on Monday, September 2, 2019 at 5:00 a.m.; and,

WHEREAS, I previously ordered the mandatory evacuation of Ocracoke visitors effective on Tuesday, September 3, 2019, at 5:00 a.m. and Ocracoke residents effective on Wednesday, September 4, 2019, at 5:00 a.m.; and,

WHEREAS, I further ordered the expansion of the mandatory evacuation to include Mainland Hyde County effective on Wednesday, September 4, 2019, at 5:00 a.m.; and,

WHEREAS, I exercised my authority to ban the sale of alcohol on Ocracoke Island at 4:00 p.m. beginning on Wednesday, September 4, 2019 and within Mainland Hyde County beginning on Thursday, September 5, 2019, at 4:00 p.m.; and,

WHEREAS, I determined the mandatory evacuation order and ban on the sale of alcohol for Mainland Hyde County were no longer necessary; and,

WHEREAS, the mandatory evacuation ordered for Ocracoke residents was terminated on Sunday, September 8, 2019; and,

WHEREAS, the flood damage to homes on Ocracoke Island creates the need to terminate the mandatory evacuation order issued for the Ocracoke non-resident property owners so they can begin recovering from Hurricane Dorian; and,

WHEREAS, I hereby and immediately terminate the mandatory evacuation order issued for Ocracoke Island residents and non-resident property owners effective immediately; and,

WHEREAS, the infrastructure is not at full capacity and does not support unrestricted entry or re-entry to Ocracoke; and,

WHEREAS, I order the continued enforcement of a prioritization system to gain access to the emergency area, Ocracoke Island; and,

WHEREAS, the mandatory evacuation order for visitors of Ocracoke Island remains in effect; and,

WHEREAS, I order the continued enforcement of the Ocracoke Island additional provisions previously issued, which include a ban on the sale of alcohol and a curfew from 10:00 p.m. to 6 a.m.; and,

WHEREAS, I hereby direct all county law enforcement officers, county employees, public safety personnel, and all emergency management personnel, subject to my control, to cooperate in the enforcement and implementation of the provisions of the emergency as may be necessary or convenient; and

WHEREAS, I specifically authorize and direct all applicable department heads and their employees to take such steps and to make such applications as may be necessary, useful, or convenient to mitigate the effects of damage to life or property located within Hyde County and arising from Hurricane Dorian or its associated weather conditions; and

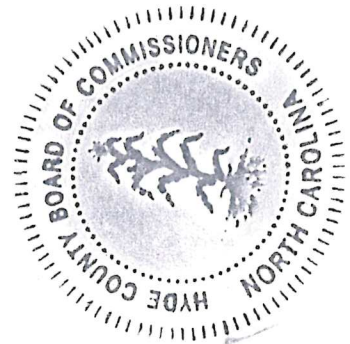
NOW THEREFORE, This proclamation is signed on this date, Tuesday, September 10, 2019, and becomes effective immediately,

ATTEST:



Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners


Lois Stotesberry, CMC, NCCCC
Clerk, Hyde County Board of
Commissioners





**BOARD OF COMMISSIONERS
OF THE COUNTY OF HYDE,
NORTH CAROLINA**

HYDE COUNTY STATE OF EMERGENCY PROCLAMATION
AMENDMENT NO. EIGHT
LIFTING THE CURFEW FOR OCRACOCKE
OCTOBER 30, 2019

HURRICANE DORIAN

WHEREAS, Pursuant to Hyde County Ordinances, Chapter 166A of the North Carolina General Statutes and Article 36A of Chapter 14 of the North Carolina General Statutes, I have determined that a State of Emergency continues in Hyde County; and,

WHEREAS, I formally proclaimed and established the existence of a State of Emergency in Hyde County effective on Monday, September 2, 2019 at 5:00 a.m.; and,

WHEREAS, I previously ordered the mandatory evacuation of Ocracoke visitors effective on Tuesday, September 3, 2019, at 5:00 a.m. and Ocracoke residents effective on Wednesday, September 4, 2019, at 5:00 a.m.; and,

WHEREAS, I further ordered the expansion of the mandatory evacuation to include Mainland Hyde County effective on Wednesday, September 4, 2019, at 5:00 a.m.; and,

WHEREAS, I exercised my authority to ban the sale of alcohol on Ocracoke Island at 4:00 p.m. beginning on Wednesday, September 4, 2019 and within Mainland Hyde County beginning on Thursday, September 5, 2019, at 4:00 p.m.; and,

WHEREAS, I determined the mandatory evacuation order and ban on the sale of alcohol for Mainland Hyde County were no longer necessary; and,

WHEREAS, the mandatory evacuation ordered for Ocracoke residents was terminated on Sunday, September 8, 2019; and,

WHEREAS, the mandatory evacuation ordered for Ocracoke non-resident property owners was terminated on Tuesday, September 10, 2019; and

WHEREAS, on Monday, October 14, 2019, the ban on the sale of alcohol issued for Ocracoke Island was lifted and the curfew was modified to be enforced from 11:00 p.m. to 6:00 a.m.; and

WHEREAS, in consultation with the Hyde County Sheriff I have determined the curfew can be lifted for Ocracoke and will be terminated on Wednesday, October 30, 2019, effective immediately; and,

WHEREAS, the infrastructure is not at full capacity and does not support unrestricted entry or re-entry to Ocracoke; and,

WHEREAS, I order the continued enforcement of a prioritization system to gain access to the emergency area, Ocracoke Island; and,

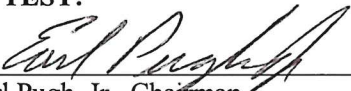
WHEREAS, the mandatory evacuation order for visitors of Ocracoke Island remains in effect; and,

WHEREAS, I hereby direct all county law enforcement officers, county employees, public safety personnel, and all emergency management personnel, subject to my control, to cooperate in the enforcement and implementation of the provisions of the emergency as may be necessary or convenient; and


WHEREAS, I specifically authorize and direct all applicable department heads and their employees to take such steps and to make such applications as may be necessary, useful, or convenient to mitigate the effects of damage to life or property located within Hyde County and arising from Hurricane Dorian or its associated weather conditions; and

NOW THEREFORE, This proclamation is signed on this date, Wednesday, October 30, 2019, and becomes effective immediately,

ATTEST:



Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners



Lois Stotesberry, CMC, NCACC
Clerk, Hyde County Board of
Commissioners





BOARD OF COMMISSIONERS
THE COUNTY OF HYDE
NORTH CAROLINA

RESOLUTION
TO RATIFY BOARD ACTION RELATED TO HURRICANE DORIAN

WHEREAS, the Board of County Commissioners of Hyde County, North Carolina ratified the immediate actions taken by the Chairman on behalf of the Board during a declared State of Emergency related to Hurricane Dorian at its last regular meeting of the Board on October 7, 2019, and;

- **Proclamation – State of Emergency for Hyde County Hurricane Dorian**
- **Amended Proclamation – State of Emergency for Hyde County – Mandatory Evacuation of Ocracoke Island**
- **Amended Proclamation - State of Emergency for Hyde County – Mandatory Evacuation of Hyde County**
- **Amended Proclamation - State of Emergency for Hyde County – Termination of The Mainland Hyde County Evacuation**
- **Amended Proclamation - State of Emergency for Hyde County – Termination of The Mandatory Evacuation for Ocracoke Residents**

WHEREAS, the Board of County Commissioners of Hyde County, North Carolina also ratified the immediate action taken by the Chairman on behalf of the Board during a declared State of Emergency related to Hurricane Dorian at its last regular meeting of the Board on October 7, 2019, and

- **Amended Proclamation – State of Emergency for Hyde County – Termination of The Mandatory Evacuation for Non-Resident Property Owners**

WHEREAS, the Board of County Commissioners of Hyde County, North Carolina adopted Resolution to ratify proclamations enacted during Hurricane Dorian at its last regular meeting of the Board on October 7, 2019; and,

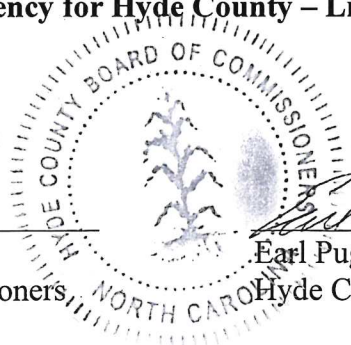
- **Resolution to ratify proclamations enacted by Chairman Pugh on behalf of the Hyde County Board of Commissioners during a declared “State of Emergency – Hurricane Dorian”.**

NOW, THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners hereby adopts Amendment No. Eight –

- **Amended Proclamation – State of Emergency for Hyde County – Lifting The Curfew for Ocracoke – October 30, 2019**

Duly adopted the 4th day of November, 2019.

Attested by: Lois Stotesberry, Clerk
Lois Stotesberry, Clerk
Hyde County Board of Commissioners



Earl Pugh, Jr., Chair
Earl Pugh, Jr., Chair
Hyde County Board of Commissioners

RESOLUTION
DESIGNATION OF APPLICANT'S AGENT
North Carolina Division of Emergency Management

Organization Name (hereafter named Organization)

Disaster Number:

County of Hyde

4465

Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):

Applicant's Fiscal Year (FY) Start

07 Month: 01 Day:

Applicant's Federal Employer's Identification Number

56-6000308

Applicant's Federal Information Processing Standards (FIPS) Number

37095

PRIMARY AGENT

SECONDARY AGENT

Agent's Name

Corrinne Gibbs

Agent's Name

Justin Gibbs

Organization

County of Hyde

Organization

County of Hyde

Official Position

Finance Director

Official Position

EM Director

Mailing Address

PO Box 188 / 30 Outer Creek Rd

Mailing Address

PO Box 188 / 30 Outer Creek Rd

City, State, Zip

Swan Quarter NC 27885

City, State, Zip

Swan Quarter NC 27885

Daytime Telephone

252 926 4192

Daytime Telephone

252 926 4199

Facsimile Number

252 926 3701

Facsimile Number

252 926 3709

Pager or Cellular Number

252 945 0710

Pager or Cellular Number

252 542 0806

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 4th day of November, 2019.

GOVERNING BODY

CERTIFYING OFFICIAL

Name and Title

Paul Pugh Chairman

Name

Lois Statesberry

Name and Title

Official Position

Clerk to The Board of Commissioners

Name and Title

Daytime Telephone

252-926-4187

CERTIFICATION

I, Lois Statesberry, (Name) duly appointed and Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of County of Hyde (Organization) on the 4th day of November, 2019.

Date: November 4, 2019

Signature: Lois Statesberry, CMC, NCCCC

APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.